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REGULAR MEETING AND PUBLIC HEARING  
OF THE CITY OF FALLS CHURCH PLANNING COMMISSION

17 July 2006  
Council Chamber

1. CALL TO ORDER: Chair Rodgers called the meeting to order at 7:54 PM.

2. ROLL CALL:

Members Present: Ms. Budetti  
Ms. Fauber  
Mr. Puentes  
Ms. Rodgers

Members Absent: Mr. Burnett  
Mr. Holran  
Ms. Sanders

Administrative Staff Present: Ms. Friel, General Manager of Development Services/  
Planning Director  
Ms. Reinecke-Wilt, Principal Planner

3. PLANNING COMMISSION REPORTS:

Mr. Puentes reported that he and Mr. Holran had had a great meeting with the City Center transportation consultants and staff last week. Their discussion included both the big picture and small details. He stated that the staff had done a great job. Mr. Puentes expressed his hope that the consultants would keep the vision as the project moved forward.

4. RECEIPT OF PETITIONS:

Barry Buschow [representing the Northern Virginia Regional Park Authority (NVRPA), 903 Madison Ln.] announced that July is National Parks and Recreation Month. He presented Commissioners and staff with a copy of the NVRPA's annual report. Mr. Buschow noted that the W&OD Trail would be widened within the City from Little Falls Street to Shreve Road, an approximately one and one-half mile segment. The Trail widening will make the trail more user friendly and the gravel path adjacent to the paved trail will be replaced. He discussed the increased types of use and the increase in trail users over the past few years.

5. PLANNING DIRECTOR'S REPORT/WORKSESSION SCHEDULE:

Ms. Friel reported that the written monthly report had been provided in the Commission's package. The report indicates completed development applications. She highlighted the Zoning Ordinance amendments schedule. The Commission's Agenda includes an extended calendar of proposed meetings and worksessions, however, the worksession scheduled tentatively for 31 July

will be rescheduled. Ms. Friel indicated that she and Chair Rodgers had discussed the potential for the Commission to continue tonight's agenda item, Ordinance T06-11, and had agreed to hold a worksession on the issue on 26 July, if needed.

Ms. Friel echoed Mr. Puentes's comments on discussions with the City Center transportation consultants. The consultants will hold a public input session in September. She advised that managing transportation would be critical to the success of the City Center. Ms. Friel reminded the Commission that the City was able to retain the consultant's services through grant funds.

In response to Chair Rodgers's inquiry, Ms. Friel stated that she had prepared an internal report on noncompliant sites. She noted that this was an issue of great interest and agreed to update that report and to provide a copy to the City Council and to the Planning Commission.

6. OLD BUSINESS: None.

7. NEW BUSINESS:

**ORDINANCE T06-11. AN ORDINANCE TO AMEND CHAPTER 38, ZONING, AND CHAPTER 31, SUBDIVISIONS, OF THE CODE OF THE CITY OF FALLS CHURCH, VIRGINIA BY AMENDING AND REENACTING SECTION 38-2, DEFINITIONS; SECTION 38-16, R-1A, LOW DENSITY RESIDENTIAL DISTRICT; R-1B, MEDIUM DENSITY RESIDENTIAL DISTRICT; SECTION 38-28, HEIGHT, LOT AND YARD REGULATIONS; AND SECTION 31-11, SUBDIVISIONS, GENERAL REGULATIONS; IN ORDER TO REVISE SINGLE-FAMILY RESIDENTIAL DEVELOPMENT REGULATIONS BY CLARIFYING HEIGHT MEASUREMENT AND HOUSE ORIENTATION REGULATIONS, AND BY STRENGTHENING PIPESTEM LOT, SUBSTANDARD LOT, AND SUBDIVISION REVIEW REGULATIONS.**

Chair Rodgers noted that the Planning Commission had held a worksession on this issue on 11 July. The Commission received many public comments during the worksession.

Ms. Friel used a PowerPoint presentation to make the staff report. She stated that information on the legislation proposed and the PowerPoint are available on the City's website. The presentation presented questions, offered examples of residential development in other jurisdictions, included information on national and regional trends, and clarified what changes are proposed. The major questions to be answered are: what is happening with residential infill; what has the City done; what does the new Code address; and what is next? Ordinance T06-11 (Residential Infill Part 1) addresses height, house orientation, pipestem lots, and substandard lots. This Ordinance was given first reading by the Council on 26 June 2006 and is scheduled for final action on 14 August. Ordinance T06-12 (Residential Infill Part 2) addresses impervious and lot coverage. Ordinance T06-12 was also given first reading on 26 June, but no formal consideration or public hearings will be held on that Ordinance until Fall.

National residential trends indicate that houses are three times larger than homes built in the City in the 1940s. In the 1990s, approximately five new homes were built each year. Currently,

about 20 new homes are built each year; most of which are the maximum size permitted on their lots. Larger new homes are changing the character of neighborhoods. Existing homes are losing privacy, sunlight, trees, and are experiencing environmental impacts. New large homes will still be permitted, but Code changes will address most of the incompatible impacts.

The City has responded to concerns about residential infill by including extensive goals and strategies in its adopted Comprehensive Plan, by adopting design and compatibility standards in the Design Guidelines, and by addressing the issue on a policy basis. It should be noted that the development. The City has held 15 worksessions to date, has sought board and commission comments, and has studied national, state, and local trends and codes. The Planning Commission established its Zoning Ordinance Review Steering (ZORS) Subcommittee to consider Code changes. Additionally, the City sponsored a public meeting in June 2004 and provided an opportunity for citizens to respond to an on-line survey; and held a Residential Code Workshop in March 2006 to walk participants through the current process.

The City has already amended the City Code to address Chesapeake Bay quality by limiting impervious cover to 35% of a residential lot. The City also strengthened tree preservation by requiring at least a 20% tree canopy on residential lots that were redeveloped.

Ms. Friel used photographs and drawings to explain the changes proposed for calculating the height of a home, clarifying the importance of house orientation in relation to its neighbors, how pipestem lots affect existing homes, and the need to insure that contiguous substandard lots under common ownership are required to be combined to conforming lots. Ms. Friel provided information on worksessions and public hearings scheduled, and how to provide comments on the Code amendments proposed. She invited those interested to visit the Planning Division to discuss specific situations and/or questions.

The Chair opened the item to the public.

1. Jeff Peterson [representing the Village Preservation and Improvement Society (VPIS), 205 Tyson Dr.] supported strongly the City's efforts to protect neighborhoods through the Code changes proposed and recommended that the Planning Commission recommend to the City Council that the amendments be adopted in full. He stated that neighborhoods matter, not just the square footage of individual homes. The VPIS does not believe that the changes proposed would be a financial burden to homeowners. Further, failure to adopt the changes threatens the environment and the City. Mr. Peterson announced that the VPIS would have more detailed comments soon, which would be posted on its website ([www.VPIS.org](http://www.VPIS.org)).

2. Rick Watkins [1002 Madison Ln.] provided comments on the Code amendment proposed that would require the consolidation of substandard lots. He advised that he and his business partner had purchased four substandard lots on Lincoln Avenue to build smaller, affordable homes that would add a nice look to the neighborhood. Mr. Watkins expressed his support for retaining the ability to build a new home on each substandard sized lot.

3. Tim McWilliams [1115 Lincoln Ave.] stated that he and his business partner, Mr. Watkins, had purchased the four substandard lots on Lincoln Avenue. He reported his intent to build a

home for himself on one lot, as his present commute from Gainesville was prohibitive from both a time and cost standpoint. Mr. McWilliams stated that the cost of land in Falls Church is expensive. Currently, construction costs are equal to the cost of the land. If Falls Church desires affordable housing, then it must permit new homes on substandard lots.

4. Dudley McDonald [310 Sycamore St.] distributed copies of his comments to the Commission and to staff. He noted that citizens have expressed a desire for absolutes in the interpretation of the Code, as substantial legal costs are incurred to challenge a Code interpretation; and that the Ordinance proposed moves towards creating standards. Mr. McDonald expressed his belief that most homeowners desire increased values in their real estate investments. Most older homes in the City are worthy of restoration and the homes built in the 1930s, 1940s, and 1950s need to be updated. He expressed his belief that the changes proposed are overly restrictive, as housing needs change over time. Mr. McDonald stated that it is unknown how many property owners would be impacted by the changes proposed and expressed his concern that more notification needs to be done, particularly during the summer months.

5. Shaun van Steyn [406 Lincoln Ave.] noted that this is the third time he had addressed the Commission concerning restricting residential development, especially pipestem lots. He advised that two large trees had fallen on his home in last week's storm, which resulted in his home being condemned. Mr. van Steyn expressed concern that if the legislation proposed were adopted he might not be permitted to rebuilt his home, expand his home, and to subdivide the lot to build homes for his mother and his son. He suggested that persons, who had owned property for a period of time, perhaps ten years, would be permitted to subdivide their property. Those property owners would likely build homes of different sizes than would developers simply seeking a profit. Mr. van Steyn had a number of questions concerning his potential development rights. He provided a copy of his comments to staff for distribution to the Planning Commission.

6. Michael Milmoie [305 Walnut St.] expressed his belief that the latest edition of *The Falls Church News-Press* had done a good job of laying out the issues from both sides. Some citizens want no growth and no change to a lovely City. Other citizens want development in order to bring in new taxes. He advised that he thought both groups were wrong and that both groups were right; there is a middle ground. Mr. Milmoie supported the regulations before the Commission tonight. He thought the pictures in tonight's PowerPoint presentation were good examples of how new housing had changed neighborhoods. Mr. Milmoie remained undecided concerning the issues in Ordinance T06-12 dealing with lot coverage and impervious surface area. He advised that he had attended last week's worksession during which staff had done a good job on reporting what other jurisdictions are doing on these issues. Mr. Milmoie suggested that that information be made more publicly available, as well as publishing the federal and state regulations on protecting the Chesapeake Bay compared to the City's proposed legislation. He asked that the Commission take the middle road in amending the City Code for a better city.

7. Craig Middlebrook [218 Forest Dr.] advised that he was the owner of a potential pipestem lot. He urged the Commission to recommend to the Council adoption of the ordinance to prevent or to limit pipestem lots as much as possible. Mr. Middlebrook endorsed Mr. Peterson's comments. He urged that every citizen be notified of the ongoing process.

185 8. Anton Schefer [owner of 610 Fulton Ave. and other properties in the City] advised that he had  
186 lived in the City since 1945 and that he had not been notified of the Code change proposed  
187 regarding pipestem lots. He had a number of questions concerning the legal aspects of the  
188 amendments proposed and expressed his concern about confiscation of property. Mr. Schefer  
189 expressed his belief that the City Attorney should be present at public hearings to answer  
190 technical questions.

191  
192 Chair Rodgers expressed her understanding that the City Attorney had advised that the  
193 legislation proposed was not illegal. Ms. Friel agreed to follow up with the City Attorney on the  
194 questions raised by Mr. Schefer. Written comments received previously had raised other legal  
195 issues, which were forwarded to the City Attorney for review and comment.

196  
197 9. Bob Griffiths [1008 Parker St.] advised that he had lived in the City for over 25 years and that  
198 he had received a notice concerning changes proposed to substandard lots. He stated that he had  
199 reviewed the information on the legislation on the City's website and was surprised to learn that  
200 one in three homes in the City are built on a substandard lot. Mr. Griffiths wondered why the  
201 Commission would consider legislation that would affect only one-third of residential property  
202 owners. He expressed his belief that new real estate taxes from new houses helped to maintain  
203 the City schools. Mr. Griffiths questioned why the minimum lot changes could not be changed,  
204 how infill affected the City, what were the consequences of infill development, and whether a  
205 map was available that depicted the affected lots.

206  
207 Ms. Friel advised that a map was available, however both the map and the notice might be  
208 confusing. There are several subdivisions in the City in which the lots are of a substandard size.  
209 The legislation proposed addresses only multiple, adjacent, substandard lots under single  
210 ownership. Each owner who received the notice may not be impacted. Most residential  
211 subdivisions were created in the 1940s and a City Code was adopted in the 1960s. The  
212 legislation proposed would clarify expectations in the original Code, which had been confusing  
213 over time. Mr. Griffiths stated that he did not believe that the language proposed expressed the  
214 desired intent.

215  
216 10. Gregory Smith [518 Greenwich St.] expressed his belief that the City's residential  
217 development regulations were the most restrictive in Northern Virginia, particularly for lot  
218 coverage. He inquired why the City needed to further restrict development.

219  
220 Chair Rodgers noted that that issue was not before the Commission this evening; those issues  
221 would be discussed later. Mr. Smith expressed his desire that those issues be discussed in the  
222 fall, when more property owners are available. Chair Rodgers advised that the Commission was  
223 scheduled to hold public hearings on lot coverage and impervious surface in September.

224  
225 11. Rick Watkins [1002 Madison Ln.] had follow up questions after hearing other public  
226 comments. He inquired whether projects underway would be grandfathered if the legislation  
227 proposed were adopted by the City Council.

Chair Rodgers expressed her belief that such projects would not be affected by the new legislation. Ms. Friel offered to affirm Chair Rodgers's statement with the City Attorney. She expressed her understanding that a project was grandfather if a grading plan had been approved.

Hearing no further response, the Chair closed the item to the public. The following written comments were received and distributed to the Commission at the dais:

12. Dave Mercer [206 Grove Ave.] in opposition to the legislation proposed to consolidate substandard lots.

13. Rick Watkins [1109-1115 Lincoln Ave.] in opposition to the legislation proposed to consolidate substandard lots, as it would prevent building affordable housing.

14. John Murphy [308 Chestnut St.] in support of some of the changes, in opposition to others, and suggesting additional attention to existing language in Chapter 38 of the City Code to avoid interpretations that might conflict with the intent of the changes.

15. Keith Thurston [1015 Birch St.] in support of zoning changes to address infill, over building, pipestem, substandard lots, and height.

16. Mark Gross [303 Lincoln Ave.] with specific comments on house orientation, reduction of the building envelope, and reduction of impervious surface

17. Steve Zullo [308 N. Lee St.] in support of the changes proposed.

Chair Rodgers noted that the Commission had held a worksession on Ordinance T06-11 and tonight was the Commission's first public hearing. She opened the item to the Commission.

In response to Mr. Puentes's questions, Ms. Friel noted that the City's policies, as adopted in the Comprehensive Plan in 1997 and in 2005, provided a strong basis for the legislative changes proposed. The Adopted Design Guidelines were also based on the Comprehensive Plan and included a specific section on residential infill development. The Guidelines are voluntary and are not often followed. Based on the goals and strategies in the Comprehensive Plan, the City has considered and discussed the legislation proposed for a long time. The Zoning Code text change concerning substandard lots is the same used by other jurisdictions, particularly in cities that have been developed and redeveloped for years. In Virginia Beach the usual language was changed to "reasonably combined" and set a point in time that the lots would be combined. Norfolk used a more stringent text. In each jurisdiction where the Zoning Code was changed, there were controversies. She agreed to check with Virginia Beach concerning how its legislation was implemented.

Ms. Fauber summarized the public comments received. It appears that there were no comments on height or orientation issues. There was one question about pipestems and there were many questions on substandard lots. She expressed her belief that if there is a controversy on substandard lots it may be because there are misunderstandings on the proposal.

275 Ms. Budetti suggested that information or an explanation on the changes proposed for  
276 substandard lots be added to the City website. She expressed her belief that there would be  
277 examples of when infill housing would make a difference in a neighborhood and other examples  
278 of when it would not, based on the size of the substandard lot. Ms. Budetti inquired whether  
279 photographic examples of development that was close to desired outcomes and of development  
280 that was far from desired outcomes could be included on the website.

281  
282 Chair Rodgers had questions about those substandard lots in the City that were as small as 3,000  
283 square feet and whether it was typical that multiple adjacent lots were purchased by one owner  
284 after the subdivision was created. Ms. Friel replied that lots of 3,000 square feet were typical as  
285 homes were much smaller at the time. Some owners chose to purchase more than one lot; others  
286 did not. When the Zoning Code was adopted, a clear policy decision was made to create two  
287 zoning districts, which were based on how the City had been developed up to that point in time.  
288 The issue of building tall, rowhouse style homes had developed recently in the City. Staff could  
289 do additional research to better understand development patterns.

290  
291 Chair Rodgers inquired whether an owner of multiple substandard lots would need to go through  
292 the subdivision-consolidation process, and, if yes, what would be the cost to the owner. Ms.  
293 Friel agreed that the lot consolidation process would be required. Perhaps the process could be  
294 an administrative one. The cost for the process would not be a major factor. New residential  
295 developments require a grading plan along with the engineered survey plat; the survey cost is a  
296 major portion of the grading plan preparation. The City Code requires the Planning  
297 Commission's approval of the creation of all new lots. During Ms. Friel's work for the City,  
298 subdivision consolidations have occurred only with site plans.

299  
300 Ms. Fauber noted that historically small lots were created for economic reasons and the homes  
301 on those lots were not at the high end of the housing stock. She reported that Barton Street in  
302 Arlington County has three thousand square foot lots with sixteen-foot wide homes and all of the  
303 original houses are being replaced without variances for the new construction. Ms. Fauber stated  
304 that all neighborhoods in Falls Church have changed. The City was once middle class and is  
305 now upper middle class.

306  
307 Chair Rodgers expressed her belief that more discussion of these issues is needed. She stated  
308 that more opportunities for public comments should be provided.

309  
310 In response to Mr. Puentes's questions, Ms. Friel advised that interpreting house orientation is  
311 complicated. A subdivision plat is prepared that depicts front, rear, and side setbacks. There has  
312 been some pushback from property owners concerned that staff was telling them where to place  
313 their house on a lot. Some new homes were built with their rear yards facing an existing front or  
314 side yard that created problems for existing homeowners. The orientation of a new house is  
315 determined with submission of a grading plan. A grading plan has less public review and input  
316 than does a site plan, which has caused some unexpected impacts when the orientation of the  
317 new home differs from the setbacks shown on a plat. House orientation has greater impacts on a  
318 pipestem lot.

Ms. Budetti indicated that she had given considerable thought to the issues covered in the legislation proposed since the Commission's last worksession. She inquired if other jurisdictions used an incentive process to achieve desired lot coverage, provided an opportunity for neighbors to review plans, etc.

Ms. Friel replied that staff had received a number of comments on providing incentives. Ordinance T06-12, which addresses coverage issues, will be discussed publicly for the first time in August. Staff intends to provide examples of three different percentages of lot coverage at the next worksession and would continue to study the issues.

Ms. Budetti advised that more comments should be expected on the height issue. She had heard a number of concerns with the lack of sunlight and stormwater runoff after new development and the City needed to be cautious in making changes that would eventually affect all or most neighborhoods. Ms. Budetti expressed her belief that it would be difficult to reach a decision on how to satisfy comments from the public and allow for regional and national building trends.

Chair Rodgers noted that subdivision regulations address tree coverage issues and the City Arborist has input in that determination. She inquired whether neighbors have input to tree coverage and their location following new construction.

Ms. Friel concurred that the hope in bringing public review into the subdivision process would permit those types of issues to be addressed prior to construction. She reminded Commissioners that often nice tree surveys and new landscaping plans are presented and approved, but that trees are later removed during development. Ms. Rodgers expressed her pleasure that the City would deal with this issue; comprehensive zoning is not an easy task.

MOTION: Mr. Puentes moved, and Ms. Fauber seconded, to continue the public hearing on Ordinance T06-11 to the Planning Commission's meeting of 7 August 2006.

Chair Rodgers expressed support for continuing the item to permit the public an opportunity to read the legislation proposed, to have questions answered, and to provide comments.

Upon roll call vote, the motion passed unanimously.

Chair Rodgers announced that the Planning Commission would meet in a worksession on this Ordinance on 26 July 2006 at 7:30 PM in the Training Center. The public is invited to attend.

8. OTHER BUSINESS: None.

9. MINUTES FOR APPROVAL: The Minutes of 19 June 2006 were approved as amended.

10. ADJOURNMENT:

Ms. Budetti moved, and Mr. Puentes seconded, to adjourn. The motion passed by voice vote and the meeting adjourned at 9:27 PM.



366 Respectfully Submitted,

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370 Debra L. Gee

371 Recording Secretary

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Noted and Approved:

Elizabeth R. Friel, AICP

Planning Director

373 The City of Falls Church is committed to the letter and to the spirit of the Americans with  
374 Disabilities Act. This document will be made available in alternate format upon request. Call  
375 703.248.5040 (TTY 711).